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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/650,757

08/30/2000

Tadashi Okajima

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7590

05/18/2004

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
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WASHINGTON, DC 20006

EXAMINER

VUONG, BACH Q

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/18/2004

*Handwritten number 7*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/650,757

Applicant(s)

OKAJIMA, TADASHI

Examiner

Bach Q Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

This communication is responsive to an amendment filed on 03/03/04

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai et al. (US 4,866,687).

Kasai et al., according to Figs. 2-6, shows a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over comprising all features of the claimed invention.

Regarding claims 1, see Figs. 2-6 which show a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over, subtracting the count value each time a rising or trailing edge is detected in tracking zero-cross signal, and applying brake to finish jump when the count value reached 0, comprising: a direction determiner for determining in which one a pickup is to move in an outward direction or in an inward direction of a disk; level determiner (see Fig. 3 or 4) for determining a level of the zero-cross signal; and an incrementer (see counter 104) for incrementing the count value of the counter depending upon the level (see the respective disclosure of Figs 3 and 4).

Regarding claim 2, see Figs. 2 and 3 which show a disk apparatus further including a track determiner to determine to which one jump is to be made of a land or groove.

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Regarding claims 4 and 5, see respective disclosure of Figs. 2-4 which show a disk apparatus wherein a pickup is moving in an outward direction of a disk, the incrementer increments the count value when the land is determined and the level is in a low level, and increments the count value when the groove is determined and the level is in a high level; and where a pickup is moving in an inward direction of a disk, the incrementer increments the count value when the land is determined and the level is in a high level, and increments the count value when the groove is determined and the level is in a low level.

Regarding claim 6, see Figs. 3 and 4 which show a disk apparatus wherein the level determiner determines the level when the count value reaches a predetermined value (see counter 104).

Regarding claim 7, see Fig. 3 which shows a disk apparatus wherein the level determiner determines the level prior to setting the count value and starting jump.

### ***Response To Arguments***

In response to Applicant's arguments filed 03/03/2004 related to the rejection under 35 USC -102(b) as being anticipated by Kasai et al. (US 4,866,687), Applicant's attention is drawn to Figs. 2, 3 and 4 which clearly discloses that a direction determiner (see column 6, lines 4-52) for determining in which one a pickup is to move in an outward direction or in an inward direction of a disk; a level determiner (see column 6, line 53 through column 7, line 45) for determining a level of the tracking zero-cross signal; and an incrementer (see counter 104) for incrementing the count value of the counter depending upon the level (see the respective disclosure of Figs 3 and 4).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

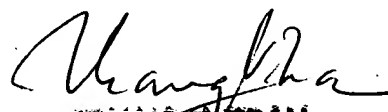
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV

May 10, 2004

  
**THANG V. TRAN**  
**PRIMARY EXAMINER**